

REMARKS

Figure 1 of the drawings has been objected to for lack of proper labeling in the diagram.

Applicant is submitting herewith a corrected sheet of Figure 1 in compliance with 37 C.F.R. § 1.121(d) that is designated as a "Replacement Sheet" at the top margin, and that is submitted to provide sufficient labeling to be acceptable in compliance with the requirements for formal drawings. The specification has been amended where appropriate merely to delete extraneous legend numbers not aligned with the illustration of Figure 1. It is therefore respectfully submitted that the drawings including Figures 1 and 2 now comply with requirements for formal application drawings.

The objection to the Abstract of the Disclosure is noted. Applicant has amended the Abstract, as presented herewith on a separate sheet, in order to conform the application to formal requirements. As amended, the Abstract of the Disclosure is now submitted to be acceptable.

The objections to the specification are noted. Applicant has amended the specification merely to incorporate section headings substantially as set forth in 37 C.F.R. § 1.77. As amended, the specification is now submitted to overcome the bases for objection.

Claims 5-8, 10, 14 and 16 have been objected to under 37 C.F.R. § 1.75 as being improper multiple dependent claims. These claims have been amended to conform the claims to acceptable singly-dependent format. As amended, these dependent claims are now submitted to be allowable to Applicant.

Claims 1, 2, 6-11 and 14-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Serfaty et al '546. This rejection is respectfully traversed with respect to these claims as amended herein.

These claims as amended herein now variously recite system and method “wherein the transmitter is arranged for receiving a programming signal for altering the time schedule for the transmission of the identification signal in response to said programming signal and wherein said programming signal is dependent on the use conditions of said tracking and telemetry system.” In addition, the claims that variously depend from claim 1 are submitted to be allowable for that reason and for such further limitations as wireless transfer of the programming signal, or input means for adding information to the identification signal, or the like.

These aspects of the claimed invention promote conservation of power available to operate a transmitter only as necessitated by the conditions of use for greater service life of the tracking and telemetry system.

These aspects of the claimed invention are not disclosed by Serfaty et al '546 which is directed to avoiding collisions between transmitted signals from a plurality of units essentially via a common communication channels. It is therefore respectfully submitted that claims 1, 2, 6-11 and 14-18 as amended are not anticipated by, but instead are patentably distinguishable over, Serfaty et al '546.

Claims 3-5, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Serfaty et al '546 in view of Viereck '492. This rejection is respectfully traversed with respect to these claims as amended herein.

These claims variously depend from claim 1 that is submitted to be allowable, and are submitted to be allowable for that reason and for such specific limitations as "said at least one transmitter comprises a resonance circuit arranged for receiving said programming signal, and wherein said programming signal is a radio signal, or "a transistor which is operatively connected to the resonance circuit and which is arranged for generating signal pulses upon receipt of the programming signal, which signal pulses alter the time schedule in the transmitter."

These aspects of the claimed invention are not disclosed or suggested by the cited references considered either alone or in the combination proposed by the Examiner. The deficiency of disclosure of Serfaty et al. '546 is discussed in the above Remarks, and the Examiner also notes specific failure of disclosure in this

reference. Also, Viereck '492 is understood to be directed to a damping circuit for an antenna resonance circuit of a radio transmitter-receiver.

Thus, merely combining these references as proposed by the Examiner fails to establish even a *prima facie* basis, including Applicant's recited structure or steps, from which a proper determination of obviousness can be made. It is therefore respectfully submitted that dependent claims 3-5, 12 and 13 as amended are now patentably distinguishable over the cited art.

Reconsideration and allowance of all claims as amended herein over the cited art (including Iwasaki '997 and Hedgeson '066, cited but not applied) are solicited.

Respectfully submitted,

JAN VET

Dated: 11/3/05

By: Albert C. Smith

Albert C. Smith, Reg. No.: 20,355

Fenwick & West LLP

Silicon Valley Center

801 California Street

Mountain View, CA 94041

Tel.: (650) 335-7296

Fax: (650) 938-5200